

July 30, 2008

VIA ECFS

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Ex Parte Notice, WC Docket No. 08-116, Comp. Pol. File No. 871

Dear Ms. Salas:

Jartel, Inc. ("Jartel"), through its undersigned counsel, respectfully submits this *ex parte* in the above-referenced proceeding to respond to the issues raised in Sprint's comments.

The Commission must immediately remove Sprint's petition from streamlined processing. Given the existing controversy in the record, it is inappropriate for the Commission to allow Sprint's petition to proceed on a streamlined basis. The Commission routinely removes petitions from streamlined processing when commenters have raised concerns about the proposed discontinuance. Indeed, in reviewing AT&T's petition to discontinue 900 service, which is precisely what is at issue in this proceeding, the Commission removed AT&T's petition from streamlined processing and sought additional comment due to the concerns raised in the record about the proposed discontinuance.¹ The Commission issued the Public Notice removing AT&T's application from streamlined processing the day that the proposed discontinuance was supposed to occur.² As such, there is still time for the Commission to take action. Unless the Commission acts swiftly, Jartel—and its information service customers—will lose their livelihood. As soon as the telephone numbers at issue are disconnected, these companies will be forced out of business.

¹ See *AT&T Communications' Application to Discontinue Domestic Telecommunications Services*, Memorandum Opinion and Order, 18 FCC Rcd 24376, 24377, ¶ 3 (2003) (citing the second public notice: *Comments Invited on AT&T Communications Application to Discontinue Domestic Telecommunications Services Not Automatically Granted*, Public Notice, Comp. Pol. File No. 645, DA 03-2623 (rel. Aug. 8, 2003)).

² *Id.*

Jartel is a service bureau and an information services provider. In its role as a service bureau, Jartel makes available to its customers that are information services providers the 900 numbers that it obtains from Sprint. Jartel also uses certain of the 900 numbers that it obtains from Sprint for Jartel's own use as an information services provider. In its opposition, Jartel explained that it has spent millions of dollars advertising the numbers that it uses as an information services provider.³ Jartel has used many of the telephone numbers at issue for approximately eighteen (18) years.⁴ If the Commission permits Sprint to discontinue its service, Jartel will lose not only all of the revenue that it derives from calls to those telephone numbers, but also all of the money that it has spent in current advertisements for these telephone numbers.

As Jartel has explained in its opposition, the telephone numbers that it uses are essentially a "brand,"⁵ and the loss of those telephone numbers will signal and immediate—and inevitable—decline in business, and this Jartel's livelihood. Sprint claims that its own 900 business is declining, but yet it does not take into account that one segment of Sprint's own business may be a large segment of Jartel's, and other similarly situated service bureaus', operations.

There is no merit to Sprint's argument that the telephone numbers at issue are distinct from the telephone numbers at issue in AT&T's petition.⁶ Although the Commission recognized in the AT&T Order, that the services at issue were used for certain business purposes, in no way did the Commission suggest that had the numbers been used for other purposes, e.g., chatlines, that they would have been valued less than business services.⁷ The Commission did not draw such a line, as Sprint suggests, nor could it do so without violating the First Amendment of the United States Constitution.

It is simply irrelevant for which purpose the 900 numbers are being used, and the fact remains that the 900 telephone numbers at issue can be used for *any purpose – business or entertainment*. There are no technical or other limitations that restrict the use of the 900 telephone numbers for any particular purpose. Indeed, Sprint acknowledges that at least one of Sprint's 900 transport customers—Symantec—was using Sprint's 900 service for the purpose of providing technical support to its customers.⁸ As such, there is no basis to distinguish the 900 services at issue in this case from those at issue in the AT&T discontinuance proceeding.

³ See Opposition of Jartel, Inc. to Sprint Application for Discontinuance, Declaration of Todd Lesser ¶ 3.

⁴ *Id.*

⁵ *Id.*

⁶ See Sprint Reply at 3-4.

⁷ See *AT&T Communications' Application to Discontinue Domestic Telecommunications Services*, 18 FCC Rcd 24376 (2003).

⁸ Sprint Reply at 4.

Furthermore, in its reply, Sprint suggests that it has established a special network dedicated to 900 services that it does not wish to maintain.⁹ It is Jartel's understanding, however, that Sprint can route the 900 traffic over the trunks that it currently uses for 8YY toll free numbers, and that, other than normal usage charges, there would not be any additional charge to route such traffic over 8YY trunks.¹⁰ Since Sprint is not discontinuing 8YY traffic, there should not be any additional network/switch costs implicated to continue to provide the requested 900 services.¹¹

Furthermore, granting Sprint's application would result in a waste of numbering resources, leaving interested parties with no ability to reclaim the telephone numbers that they previously had been using for years.

For the foregoing reasons, Jartel respectfully requests that the Commission immediately remove the Sprint petition from streamlined processing and evaluate the issues raised by the commenters.

Respectfully submitted,

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company



Michael B. Hazzard
Jennifer M. Kashatus

cc: Rodney McDonald (via email)
Carmel Weathers (via email)
Sprint

⁹ *Id.* at 2.

¹⁰ Attachment 1: Declaration of Todd Lesser at ¶ 2 (July 30, 2008).

¹¹ *Id.*

Attachment 1

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Sprint Communications Company LP)	
)	
Section 63.71 Application for the Discontinuance)	WC Docket No. 08-116
Of 900 Transport Service)	Comp. Pol. File No. 871
_____)	

DECLARATION OF TODD LESSER

I, Todd Lesser, am over 18 years of age, do hereby declare:

1. I am the President of Jartel, Inc. ("Jartel"). My business address is P.O. Box 370362, San Diego, California 92137.
2. I previously have testified as a telecommunications expert before three state Public Utility Commissions, the Federal Trade Commission, and the California Legislature.
3. The purpose of this declaration is to address certain statements Sprint makes in its Reply in the above-captioned proceeding.
4. In its reply, Sprint suggests that it maintains a separate network for 900 telephone service, and that it is too expensive to maintain that network given the amount of traffic flowing over that network. At a minimum, this statement is incorrect, if not misleading. Sprint has obtained Feature Group D trunks from the local exchange carriers ("LECs") throughout the country. These trunks are specifically designed to carry 1+ traffic, 800/888/877 toll free traffic,

900 traffic, and 500 traffic. Other than normal usage charges, there is no additional cost to provide 900 number services on these trunks

5. In addition, it is misleading for Sprint to claim that it "is extremely expensive for Sprint to maintain a network of switches that transport facilities for so few customers generating a de minimis amount of traffic." The same network and switches that Sprint uses to deliver 8YY toll free traffic and WATS lines to its customers are used for delivering 900 service. In fact, the T1 that Jartel purchases from Sprint carries WATS lines and 800 service.

6. If Sprint were to eliminate the trunks that it uses to provide 900 services, presumably it would not have any way to route 8YY traffic. At least to date, Sprint has not suggested that it is exiting the 8YY marketplace, thus making its argument that it somehow maintains a specific trunk (or trunks) for 900 service disingenuous.

7. As long as Sprint continues to provide 8YY and 1+ service, there are no additional network/switch costs to provide 900 service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 30, 2008.



Todd Lesser